



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David P. Allard Art Unit: : 3643  
Serial No. : 10/822,028 Examiner : \_\_\_\_\_  
Filing Date : April 8, 2004  
Title Modular Freeze Branding Device

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**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**DECLARATION OF DAVID P. ALLARD**

DAVID P. ALLARD declares that the following is true and correct from my personal knowledge and belief:

1. I am the inventor of the subject matter of application Serial No. 10/822,028, filed on April 8, 2004, which claims benefit of provisional application Serial No. 60/461,637, filed on April 8, 2003. I have a financial interest in any patent issuing from the application.

2. The first, second, and third prototypes referenced herein were all in accordance with claims 1-9 pending in the application. The tests of those prototypes implemented the method of independent claim 10.

3. In June 2002, I performed a test of a first prototype, freeze-branding about 150 head of livestock in the presence of a rancher who had signed a nondisclosure agreement. I received no payment or reimbursement of expenses for the branding performed in that test.

4. In December 2002, I performed a test of a second prototype on a comparable number of cattle as in the June 2002 test, also in the presence of a rancher who had signed a nondisclosure agreement and with no payment or reimbursement of expenses for the branding performed. The second prototype had the same structure as the first prototype, except that it had branding character assemblies with a different appearance and different type of refrigerant connection.

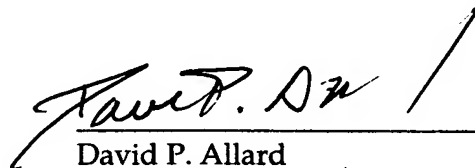
5. In February 2003, I performed a test of a third prototype. The third prototype differed from the first and second prototypes in that it employed larger-diameter tubing for refrigerant conduit and had branding character assemblies with an appearance and type of refrigerant connection different than those of the first and second prototypes. Also, the third prototype employed cut segments of the tubing, joined together with mitred corners, as refrigerant conduit. In contrast, the first and second prototypes employed segments that were bent from continuous pieces of tubing.

6. The February 2003 test involved about 10 hours of experimentation with process parameters on different head of cattle. I received \$900 for reimbursement of expenses that I incurred to carry out the February 2003 test. Those expenses were primarily for the liquid nitrogen consumed and my travel to the test location.

7. In late April 2003, I examined one of the branding subjects from the February 2003 test. I saw white hair regrowth similar to, but of somewhat less quality than, the results of the December 2002 test.

8. In May 2003, I was able to see white hair regrowth in the branding subject. That result resolved questions about the process parameters I had experimented with during the February 2003 test and confirmed the ultimate success of the procedure.

Signed under penalty of perjury this 23<sup>rd</sup> day of December, 2004, at Belgrade, Montana.

  
David P. Allard